

IN THE UNITED STATES DISTRICT COURT FOR  
THE WESTERN DISTRICT OF OKLAHOMA

**FILED**

JUN 19 2008

ROBERT D. DENNIS, CLERK  
U.S. DIST. COURT, WESTERN DIST. OF OKLA.  
BY DS DEPUTY

GARY D. WOMACK,

Plaintiff,

vs.

MICHAEL J. ASTRUE, Commissioner  
of the Social Security Administration,

Defendant.

No. CIV-07-167-W

**ORDER**

On May 28, 2008, United States Magistrate Judge Valerie K. Couch issued a Report and Recommendation in this matter and recommended that the decision of Michael J. Astrue, Commissioner of the Social Security Administration ("Commissioner"), denying the Applications for Disability Insurance Benefits and Supplemental Security Income filed by plaintiff Gary D. Womack be reversed. Magistrate Judge Couch further recommended that this matter be remanded for additional administrative proceedings. The parties were advised of their right to object to Magistrate Judge Couch's Report and Recommendation, but neither party objected within the allotted time.

Upon de novo review of the record, the Court concurs with Magistrate Judge Couch's suggested disposition of this matter. Accordingly, the Court


- (1) ADOPTS the Report and Recommendation issued on May 28, 2008;
- (2) REVERSES the Commissioner's decision denying Womack's Applications for Disability Insurance Benefits and Supplemental Security Income;
- (3) REMANDS this matter to the Commissioner pursuant to sentence four of Section 205(g) of the Social Security Act, 42 U.S.C. § 405(g), for further proceedings before an

administrative law judge ("ALJ");

(4) DIRECTS the ALJ upon remand<sup>1</sup> inter alia (a) to ensure that all credibility determinations are "'closely and affirmatively linked to substantial evidence,'" Hackett v. Barnhart, 395 F.3d 1168, 1173 (10<sup>th</sup> Cir. 2005)(quoting Huston v. Bowen, 838 F.2d 1125, 1133 (10<sup>th</sup> Cir. 1988)(footnote omitted)), (b) to ensure at step four of the five-step sequential evaluation process, e.g., Sorenson v. Bowen, 888 F.2d 706 (10<sup>th</sup> Cir. 1989), that testimony is elicited from the vocational expert that reconciles the discrepancies between that individual's testimony and the descriptions of jobs in the Directory of Occupational Titles and (c) to proceed in accordance with Magistrate Judge Couch's Report and Recommendation; and

(5) ORDERS that judgment pursuant to this Order issue forthwith.

ENTERED this 19<sup>th</sup> day of June, 2008.

  
LEE R. WEST  
UNITED STATES DISTRICT JUDGE

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<sup>1</sup>Upon remand, the new medical evidence addressed by the parties and Magistrate Judge Couch may be presented for consideration by the administrative law judge.